



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Arne W. Ballantine et al.
Serial No. : 09/896,268
Filed : June 29, 2001
Title : FUEL CELL SYSTEMS

Art Unit : 1745
Examiner : Angela Martin

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF JULY 15, 2005

In reply to the Office Action of July 15, 2005, Applicants request consideration of the following remarks. Claims 1, 7-10 and 12-38 are pending.

The Examiner rejected claims 1, 7-10, 12-23 and 30-38 under 35 U.S.C. § 103(a) as being unpatentable over Roberts et al., U.S. Patent No. 6,329,089 B1 ("Roberts") in view of Farkash et al., U.S. Patent No. 6,686,080 B2 ("Farkash"). However, it is improper to cite Farkash in this rejection because, at the time the subject matter covered by claims 1, 7-10, 12-23 and 30-38 was invented, this subject matter and Farkash were used by the same entity or were subject to an obligation of assignment to the same entity. (See 35 U.S.C. § 103(c)(1)). Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 24-29 under 35 U.S.C. § 102(e) as being anticipated by Roberts. However, Roberts does not disclose monitoring voltages of a set of fuel cells and

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